

1 MICHAEL A. JACOBS (CA SBN 111664)
2 MJacobs@mofo.com
3 ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzalez@mofo.com
4 ERIC A. TATE (CA SBN 178719)
ETate@mofo.com
5 RUDY Y. KIM (CA SBN 199426)
RudyKim@mofo.com
6 MORRISON & FOERSTER LLP
425 Market Street
7 San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

8 KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsfllp.com
9 HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsfllp.com
10 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
11 Washington DC 20005
Telephone: 202.237.2727
Facsimile: 202.237.6131

13 Attorneys for Defendants
14 UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
22 Defendant.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
ESTHER KIM CHANG IN SUPPORT
OF DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
MOTION TO COMPEL
RULE 30(B)(6) TOPICS**

Judge: The Honorable William Alsup

Trial Date: October 10, 2017

26 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
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1 I, Esther Kim Chang, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP. I am a member in
 3 good standing of the Bar of the State of California. I make this declaration based on personal
 4 knowledge and, if called as a witness, I could and would testify competently to the matters set
 5 forth herein. I make this declaration in support of Defendants Uber Technologies, Inc. and
 6 Ottomotto LLC's Motion to Compel Rule 30(b)(6) Topics.

7 2. On a meet and confer call on August 17, 2017, Special Master John Cooper
 8 expressed his opinion that Waymo should produce a witness on Topic 5 because information on
 9 side businesses was relevant and Uber was entitled to discovery on this issue. Mr. Cooper also
 10 indicated his position that Waymo should produce Jennifer Haroon for another day of deposition,
 11 because Waymo had designated her as its Rule 30(b)(6) witness on Topic 8 after she had been
 12 deposed in her personal capacity. Counsel for Waymo stated that it would take into consideration
 13 Mr. Cooper's views. On the August 19, 2017 meet and confer teleconference, however, Waymo
 14 stated its position that it would neither produce a witness for Topic 5 nor produce Ms. Haroon (or
 15 any other witness) for Topic 8. With respect to Topic 8, Waymo stated that it would designate, as
 16 Rule 30(b)(6) testimony on Topic 8, portions of the transcript from Ms. Haroon's deposition in
 17 her individual capacity.

18 3. Attached as **Exhibit 1** are true and correct excerpts of the July 17, 2017 deposition
 19 of Larry Page.

20 4. Attached as **Exhibit 2** is a true and correct copy of a November 12, 2014 email
 21 from Sebastian Thrun, with Bates number WAYMO-UBER-00029346-347, which was marked as
 22 Deposition Exhibit 1099 at the deposition of Larry Page.

23 5. Attached as **Exhibit 3** is a true and correct copy of a March 29, 2015 email from
 24 Sebastian Thrun, with Bates number WAYMO-UBER-00029349, which was marked as
 25 Deposition Exhibit 1100 at the deposition of Larry Page.

26 6. Attached as **Exhibit 4** is a true and correct copy of an April 1, 2015 email from
 27 Larry Page, with Bates number WAYMO-UBER-00029352, which was marked as Deposition
 28 Exhibit 1101 at the deposition of Larry Page.

1 7. Attached as **Exhibit 5** is a true and correct copy of an April 11, 2015 email from
2 Sebastian Thrun, with Bates number WAYMO-UBER-00026174, which was marked as
3 Deposition Exhibit 1104 at the deposition of Larry Page.

4 8. Attached as **Exhibit 6** are true and correct excerpts of the July 26, 2017 deposition
5 of Jennifer Haroon.

6 9. Attached as **Exhibit 7** is a true and correct copy of an August 17, 2017 email from
7 Jeff Nardinelli with subject line: "Waymo: 30(b)(6) Responses."

8 10. Attached as **Exhibit 8** is a true and correct excerpt of the August 9, 2017
9 deposition of Gerard Dwyer.

10 11. Attached as **Exhibit 9** is a true and correct copy of a June 17, 2015 letter to
11 Anthony Levandowski with Bates number WAYMO-UBER-00014504-505, which was marked
12 as Deposition Exhibit 1085 at the deposition of Larry Page.

13 12. Attached as **Exhibit 10** is a true and correct copy of a document titled [REDACTED]
14 [REDACTED]
15 [REDACTED] which appears to have been prepared by [REDACTED]. This
16 document was produced by Waymo on August 10, 2017, with Bates numbers WAYMO-UBER-
17 00039951-40027.

18 13. Attached as **Exhibit 11** is a true and correct copy of a document titled [REDACTED]
19 [REDACTED] dated September 25, 2015. This document was produced
20 by Waymo on August 15, 2017, with Bates numbers WAYMO-UBER-00043124-148.

21 14. Attached as **Exhibit 12** is a true and correct copy of a document entitled [REDACTED]
22 [REDACTED]
23 [REDACTED] which appears to have been prepared by [REDACTED]. This document was produced by
Waymo on July 31, 2017, with bates numbers WAYMO-UBER-00033192-204.

24 15. Attached as **Exhibit 13** is a true and correct excerpt of the August 8, 2017
25 deposition of Gary Brown in his capacity as a Rule 30(b)(6) witness for Waymo.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 20th day of August, 2017, in San Francisco, California.
3
4

/s/ Esther Kim Chang

ESTHER KIM CHANG

21 **ATTESTATION OF E-FILED SIGNATURE**

22 I, Arturo J. González, am the ECF User whose ID and password are being used to file this
23 Declaration. In compliance with General Order 45, X.B., I hereby attest that Esther Kim Chang
24 has concurred in this filing.

25 Dated: August 20, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ